

2008 Nov 06 PM 01:37CLERK U.S. BANKRUPTCY COURT
NORTHERN DISTRICT OF OHIO
CLEVELANDIN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

In Re:) Chapter 13 Case No. 06-13101

Stanley Sample)
Debtor) Bankruptcy Judge Pat E. Morgenstern-Claren
)**MOTION TO COMPROMISE CLAIM**

Now comes the Debtor, by and through counsel, and respectfully represents to the court as follows:

1. This case was filed on July 21, 2006, and on December 21, 2006, the court confirmed the Debtor's chapter 13 plan.
2. Schedule B reflects the Debtor's ownership of a 2000 Dodge Stratus, subject to a lien listed on Schedule D in favor Rivers Edge Investment Co. in the amount of \$5,328.00. Rivers Edge subsequently filed a secured claim in the amount of \$4,838.75. According to the Chapter 13 Trustee, the present outstanding balance upon this claim is \$1,173.53.
3. On or about June 24, 2008, this vehicle was involved in an accident, with the resulting damage to the vehicle being greater than the value of the vehicle.
4. The Debtor's insurer, Permanent General Assurance Corporation, has declared the vehicle to be a total loss. They have offered to settle the Debtor's claim for damage to the vehicle for the amount of \$2,061.48 (which takes into consideration the insurance deductible allowance). See Exhibit "A", attached.
5. The Debtor believes that the settlement is fair and equitable, and wishes to accept the insurer's settlement offer.

6. Therefore, the Debtor respectfully moves the court for an order permitting him to settle his claim with Permanent General Insurance Corporation upon the stated terms, and that from such settlement funds he be allowed to tender directly to Rivers Edge the outstanding due them.

WHEREFORE, the Debtor respectfully moves the court for an order permitting him to settle his claim with Permanent General Insurance Corporation upon the stated terms, that from such settlement funds he be allowed to tender directly to Rivers Edge the outstanding due them, that Rivers Edge Investment Co. be ordered to release its lien upon receipt of payment, and for such other relief as the court deems just in the premise.

/s/ *Sheldon Stein*
Sheldon Stein (0007292)
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Service

A copy of this document was served electronically upon Craig Shopneck, Trustee, and by regular U.S. mail on November 6, 2008, to Rivers Edge Investment Co., 17419 Broadway Avenue, Maple Heights, OH 44137. A hearing is scheduled on the foregoing motion will take place in court-room 2A the United States Bankruptcy Court, H. M. Metzenbaum U. S. Court House, 201 Superior Avenue, Cleveland, Ohio 44114, on December 2, 2008, at 1:30 p.m. to consider any written opposition to this matter which is filed and served no later than seven calendar days preceding the date scheduled for such hearing. If no opposition to this matter is filed and served within such time, the motion may be granted and the relief ordered without a hearing.

/s/ *Sheldon Stein*
Sheldon Stein
Attorney for the Debtor



PERMANENT GENERAL ASSURANCE CORP.

Claims Service

P.O. Box 306195
Nashville, TN 37230-51951-800/280-1466
WWW.PGAC.COM

August 05, 2008

Stanley L Sample
1321 E 82nd St
Cleveland, OH 44103-2941

RE: Claim #: PA0000401461
Insured: Stanley L Sample
Claimant: Stanley L Sample
Date of Loss: 06/24/2008

Dear Stanley L Sample:

Enclosed please find the following form(s) which should be signed and notarized. This amount is representing you how much we will pay for this vehicle. The forms requiring notarization will ask for notary. **PLEASE HAVE ALL PARTIES LISTED ON THE TITLE (OR REGISTRATION) SIGN ALL THE ATTACHED DOCUMENTS.**

Also, the following documents must be returned with the above:

— LIENHOLDER INFORMATION
(NAME, ADDRESS, ACCOUNT # AND PHONE #)

If you have opted to retain the salvage to your vehicle, please forward a copy of your Salvage Title from the State of Ohio.

SETTLEMENT IS AS FOLLOWS:

ACTUAL CASH VALUE:	\$2822.72
TAXES @ 7.75 % (+IF APPLICABLE)	218.76
TAG TRANSFER FEES	20.00
SALVAGE (-IF APPLICABLE)	0
DEDUCTIBLE (-IF APPLICABLE)	1000.00
NET SETTLEMENT	2061.48

Please be advised that the above net total loss settlement figures may not include the storage or related expenses on your total loss that are your responsibility. Any storage or related expenses that are your responsibility will be deducted from your total loss amount when payment is made.

Once this information is completed properly and returned to our office, we will be able to complete processing your claim and/or dispose of the salvage. I have enclosed a self-addressed stamped envelope for your use. Should you have any questions, please let me know. My ext. is 1915.

IF YOU WOULD LIKE TO SEND YOUR PAPERWORK OVERNIGHT OUR STREET ADDRESS IS 2636 Elm Hill Pike Suite 510, Nashville, TN 37214. PLEASE ADDRESS IT TO MY ATTENTION.

Sincerely,

McCormick Allen
Total Loss Adjuster